

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 CURLIN PENNICK III,

8 Plaintiff,

9 v.

10 COLLEEN CHESTERMAN ET AL.,  
11 Defendants.

No. 3:18-cv-05331-RJB-DWC

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge David  
13 W. Christel and the remaining record, no objections having been filed, does hereby find and

14 ORDER:

- 15 (1) The Court adopts the Report and Recommendation (Dkt. 40).  
16 (2) Defendants' Motion for Summary Judgment (Dkt. 19) is granted, but Defendants'  
17 request for the Court to find Plaintiff's action frivolous and malicious is denied.  
18 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for  
19 Defendants, and to the Hon. David W. Christel.

20 **DATED** this 8<sup>th</sup> day of July, 2019.

21   
22

23 ROBERT J. BRYAN  
24 United States District Judge  
25  
26